

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ERIC JACOBSON,

Petitioner,

v.

CHERYL STRANGE, et al.,

Respondent.

CASE NO. 3:23-cv-05330-MJP-BAT

**ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL**

Petitioner moves for appointment of counsel in this 28 U.S.C. § 2254 habeas action. Dkt.

7. A § 2254 petitioner is not entitled to appointment of counsel unless an evidentiary hearing is required, and if one is not, only if the “interests of justice so require.” 18 U.S.C. § 3006A; *Brown v. Vasquez*, 952 F.2d 1164, 1168 (9th Cir. 1992).

There is an insufficient basis to find an evidentiary hearing is necessary. If the Court later finds an evidentiary hearing is necessary, it will appoint counsel, then, if Petitioner is deemed financially eligible. The Court also finds Petitioner has not demonstrated the interests of justice require the appointment of counsel. Petitioner contends counsel should be appointed because the claims he presents involve substantial and complex legal and mixed questions of law and fact and that he “probably” needs experts to frame or prove his claims.

1 The Court finds the pleadings Petitioner has submitted shows he has the ability to present
2 his claims and that his claims are not so complex that counsel must be appointed.

3 Accordingly, the Court ORDERS:

- 4 1. Plaintiff's motion for appointment of counsel, Dkt. 7, is **DENIED without**
5 **prejudice.**
6 2. The Clerk shall provide a copy of this Order to petitioner and the assigned District
7 Judge.

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9 DATED this 1st day of Day, 2023.

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13 BRIAN A. TSUCHIDA
14 United States Magistrate Judge
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